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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,700	03/29/2004	Joerg Weshendorff	81093425	1369

22844 7590 09/12/2007  
FORD GLOBAL TECHNOLOGIES, LLC  
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EXAMINER
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SLITERIS, JOSELYNN Y

ART UNIT	PAPER NUMBER
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3616

MAIL DATE	DELIVERY MODE
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09/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/811,700

Applicant(s)

WESHENDORFF, JOERG

Examiner

Joselynn Y. Sliteris

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 and 13 is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/29/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/20/07 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 is indefinite because intermediate steps (i.e. "a chassis underframe having a mounting for supporting part of the spring plate when the wheel suspension system is not fitted on a body of a motor vehicle" in lines 6-7 & "wherein when the suspension is fitted to the body of the motor vehicle, the chassis mounting removes support from the part of the spring plate and the spring plate directly contacts the body of the motor vehicle" in lines 9-11) are being claimed in an apparatus claim, and as

Art Unit: 3616

such, the scope of claim 1 is unclear and unascertainable. Therefore, claim 1 is indefinite.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 8, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Pelz et al. (U.S. Patent 6,357,772).

Regarding claims 1 and 8, as best understood, Pelz discloses a wheel suspension system as in the present invention, comprising:

a lower link 1;

a spring 15 having a lower end and an upper end, the lower end of which is arranged on the link and the upper end of which is arranged in a spring plate (see annotation on Fig. 2 attached); and

a chassis underframe 6 having a mounting 36, 37, and having at least one pair of bearings 7, 8;

wherein the lower link is designed as a transverse link.

Examiner notes that the recitations “for supporting ... vehicle” in claim 1 lines 6-7 and “wherein when the suspension is fitted to the body of the motor vehicle, the chassis mounting removes support from the part of the spring plate and the spring plate directly

contacts the body of the motor vehicle" in claim 1 lines 9-11 are functional language describing intended use and are further intermediate steps in an apparatus claim, and as such do not serve to distinguish. Therefore, these limitations have not been given patentable weight.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pelz et al. (U.S. Patent 6,357,772) in view of Martinez, Jr. et al. (U.S. Patent 4,771,996), previously cited by examiner.

Regarding claim 5, Pelz discloses the claimed invention except for a spring aid. Martinez, Jr. discloses that it is known in the art to provide a spring plate 24 combined with the support of a spring aid 28. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the spring plate of Pelz with the spring aid of Martinez, Jr., in order to provide a better seat for the spring against the spring plate.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pelz et al. (U.S. Patent 6,357,772) in view of Sautter et al. (U.S. Patent 4,671,531).

Regarding claim 6, Pelz does not specifically disclose the at least one pair of bearings of the chassis underframe being formed by elastomeric elements. Sautter discloses that it is known in the art to provide rubber bushings 9 for the chassis underframe 7'. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the bearings 7, 8 of Pelz with the rubber bushings 9 of Sautter, in order to provide better damping of noise and vibrations.

### ***Allowable Subject Matter***

10. Claims 2-4, 7, and 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, as set forth in this Office action.
11. Claims 12 and 13 are allowed.

### ***Response to Arguments***

12. Applicant's arguments filed 6/20/07 have been fully considered but they are not persuasive.

In response to applicant's arguments, examiner notes that the recitations "a chassis underframe having a mounting for supporting part of the spring plate when the wheel suspension system is not fitted on a body of a motor vehicle" in claim 1 lines 6-7 & "wherein when the suspension is fitted to the body of the motor vehicle, the chassis mounting removes support from the part of the spring plate and the spring plate directly

Art Unit: 3616

contacts the body of the motor vehicle" in claim 1 lines 9-11 are functional language describing intended use and are further intermediate steps in an apparatus claim, and as such do not serve to distinguish. Therefore, these limitations have not been given patentable weight.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joselynn Y. Sliteris whose telephone number is 571-272-6675. The examiner can normally be reached on Monday, Wednesday & Thursday 8:30 am - 5:00 pm.

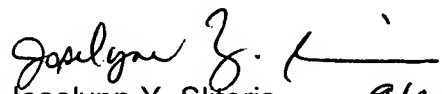
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should


Art Unit: 3616

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

  
Joselynn Y. Sliteris  
Patent Examiner  
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9/4/07

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